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Docket Management Facility
U. S. Department of Transportation
400 Seventh Street, S.W.
Nassif Building, Room PL-401
Washington, DC 20590-001

October 10, 2003

Reference Docket No. NHTSA-03-14396 - 8

E.D. Etnyre & Co. is a manufacturer of horizontal discharge semitrailers. NHTSA has issued a notice of proposed rule making which would exclude road construction controlled horizontal discharge trailers from Federal Motor Vehicle Safety Standard No. 224; Rear Impact Protection. As an interested party and manufacturer of trailers affected by this proposed rule making, E.D. Etnyre & Co offers the following comments:

The present situation, in which two manufacturers of RCC horizontal discharge trailers are allowed to manufacture trailers without meeting the requirements of FMVSS No. 224 while other manufacturers are required to comply with the regulation is unfair and must be remedied. The present situation provides the exempted manufacturers with economic, weight, and operational advantages which establish a barrier to competition. Uniform enforcement or uniform relief is required.

E.D. Etnyre & Co. defers to NHTSA the responsibility to evaluate the overall safety ramifications of the proposed change to the rule as it affects the motoring public and society in general. Only NHTSA has the requisite knowledge of vehicle dynamics, passenger vehicle design and collision survival, and accident statistics to make this evaluation. NHTSA bears the responsibility of weighing the factors affecting traffic safety, making judgments for the public good, and setting forth statements of what we, as a society find acceptable.

E.D. Etnyre & Co. will accept whatever decision the National Highway Traffic Safety Administration makes relative to the proposed rule making on Rear Impact Protection, as long as it is uniformly applied among all manufacturers.

Respectfully submitted:

Patrick O'Brien
Director of Engineering
E.D. Etnyre & Co.